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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/695,493	10/24/2000	Christian Volf Olgaard	68139769-200100	2756

23418 7590 08/12/2005

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CHICAGO, IL 60601

EXAMINER

EL CHANTI, HUSSEIN A

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/695,493

Applicant(s)

OLGAARD ET AL.

Examiner

Hussein A. El-chanti

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to amendment received on June 23, 2005. Claims 1-36 are pending examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Baker, U.S. Patent Publication US 2001/0048449.

Baker teaches the invention explicitly as claimed including a system and method for using predetermined preferences/characteristics to ascertain personal compatibility between network or chat room participants based upon profile information (see abstract).

As to claims 1, 13 and 25 respectively, Baker teaches a method, computer program code and a system for facilitating user interface roaming, comprising:

(a) receiving from the wireless link a list of usable interface clients in proximity to the wireless link, wherein each usable interface client has capabilities associated therewith (see Paragraph [055] , user receives a list of chatters that are compatible with the user);

(b) selecting one of the interface clients from the list (see Paragraph [088] lines 5-10, compatible users are selected);

(c) notifying the wireless link of the selected interface client (see Paragraph [088] lines 11-15, users are notified of compatibility of another user);

(d) initiating a connection with the selected interface client (see Paragraph [088] lines 15-25, in response the user initiates a chat session with the selected user);

(e) executing an application based on the capabilities of the selected interface client, wherein execution of the application generates content (see Paragraph [088] lines 15-23); and

(f) transmitting the generated content to the interface client (see Paragraph [088] lines 15-23, a confirmation is generated and sent to the selected user).

As to claims 2, 14 and 26, Baker teaches the method, computer program code and a system of claims 1, 13 and 25 respectively, further comprising receiving a notification from the wireless link that it has been activated, wherein the wireless link determines usable interface clients in proximity thereto upon activation thereof (see Paragraph [090] and Paragraph [091]).

As to claims 3, 15 and 27, Baker teaches the method, computer program code and a system of claims 1, 13 and 25 respectively, wherein the connection with the selected interface client is initiated via the wireless link (see Paragraph [044]).

As to claims 4, 16 and 28, Baker teaches the method, computer program code and a system of claims 1, 13 and 25 respectively, wherein the generated content is transmitted to the interface client via the wireless link (see Paragraph [044]).

As to claims 5, 17 and 29, Baker teaches the method, computer program code and a system of claims 1, 13 and 25 respectively, wherein each interface client includes a display (see fig. 1).

As to claims 6, 18 and 30, Baker teaches the method, computer program code and a system of claims 1, 13 and 25 respectively, further comprising receiving information from the user based on the generated content, generating subsequent content based on the received information, and transmitting the subsequently generated content to the interface client (see Paragraph [088] lines 15-23).

As to claims 7, 19 and 31, Baker teaches the method, computer program code and a system of claims 1, 13 and 25 respectively, further comprising:

receiving a notification that another interface client is proximate to the wireless link, querying a user whether the user would like to switch to the other interface client, and transmitting generated content to the other interface client upon receipt of a response from the user indicating that the user wants to switch to the other interface client (see Paragraph [090] and Paragraph [091])

As to claims 8, 20 and 32, Baker teaches the method, computer program code and a system of claims 1, 13 and 25 respectively, wherein the wireless link receives the content if the list of usable interface clients includes zero usable interface clients in proximity to the wireless link (see Paragraph [090] and Paragraph [091]).

As to claims 9, 21 and 33, Baker teaches the method, computer program code and a system of claims 1, 13 and 25 respectively, further comprising: receiving

information from the wireless link input by a user (see Paragraph [090] and Paragraph [091]).

As to claims 10, 22 and 34, Baker teaches the method, computer program code and a system of claims 1, 13 and 25 respectively, wherein the wireless link and the interface client are capable of communicating utilizing TCP/IP or IPX protocols (see Paragraph [075]).

As to claims 11, 23 and 35, Baker teaches the method, computer program code and a system of claims 1, 13 and 25 respectively, wherein the wireless link has telephony capabilities (see Paragraph [051]).

As to claims 12, 24 and 36, Baker teaches the method, computer program code and a system of claims 1, 13 and 25 respectively, wherein executing an application based on capabilities of the selected interface client further comprises uploading from a data store information relating to configuring the application based on the capabilities of the selected interface client (see Paragraph [090]).

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Response to Arguments

4. Applicant's arguments have been considered but are persuasive.

Applicant argues in substance that Baker does not disclose A) receiving from the wireless link a list of usable interface clients in proximity to the wireless link.

In response to A) Baker teaches a system and method for communication between clients with mobile devices to detect other user in the same geographic

proximity and presents the user with a list of the users within the proximity (see abstract). The user may view a list of chatters that are within a geographic proximity by specifying the parameter of the proximity on a mobile device through wireless communication (see paragraph [0092]). Baker teaches receiving by the mobile device through a "wireless link" a list of the chatters "usable interface clients" that are within the geographic proximity and therefore Baker meets the scope of the claimed limitation "receiving from the wireless link a list of usable interface clients in proximity to the wireless link".

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hussein A. El-chanti whose telephone number is (571)272-3999. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hussein El-chanti

July 26, 2005


ARIO ETIENNE
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